

OFFICIAL

PATENT

5468-03200/AUS990817US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
CENTRAL FAX CENTER****JUN 10 2004**In re Application of:
Schwerdtfeger et al.Group Art Unit: 2157
Examiner: Wen, S.

Serial No. 09/458,642

Atty. Dkt. No. 5468-03200

Filed: December 9, 1999

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SUPPORTI hereby certify that this correspondence is being deposited with
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in an envelope addressed to: Commissioner for Patents,
Washington, D.C. 20231, on the date indicated below:11/18/02
November 18, 2002

Kevin L. Daffer

DECLARATION UNDER 37 C.F.R. § 1.131Commissioner for Patents
Washington, D.C. 20231

I, Kevin L. Daffer, hereby declare and state that:

1. I am the attorney commissioned to prepare the above-identified patent application, which is a U.S. patent application, Serial No. 09/458,642 filed December 9, 1999.
2. An Office Action dated September 11, 2002 rejected certain claims of the captioned application in view of U.S. Patent No. 6,430,624 (hereinafter "Jamtgaard"), issued August 6, 2002, filed February 14, 2000, and relating to a provisional application No. 60/160,801 filed on October 21, 1999.

CONCEPTION

3. On or about October 7, 1999, through International Business Machines Corporation legal department, an Invention Disclosure Form was sent to me, attached hereto as Exhibit A, which shows a date of conception of at least July 26, 1999.

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4. Upon review of the Invention Disclosure (Exhibit A), it was decided to separately patent the ideas encompassed in the above-captioned patent application. A separate disclosure was then prepared, attached hereto as **Exhibit B**.

5. The inventive concepts within Exhibits A and B, were conceived at least as early as July 26, 1999, approximately three months prior to October 21, 1999, which is the filing date of Jamtgaard. As part of the Invention Disclosure Form (Exhibit A) are drawings and a detailed description of the inventive concepts claimed in the captioned application.

REDUCTION TO PRACTICE AND DILIGENCE

6. From at least October 7, 1999, the date of my commission, plans were undertaken to prepare the captioned patent application which was filed at the U.S. Patent Office on December 9, 1999.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: November 18, 2002



Kevin L. Daffier